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26

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,410	08/23/2001	Chang Wan Ha	020488-001000US	9968
20350	7590	10/20/2003	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			HO, HOAI V	
			ART UNIT	PAPER NUMBER
			2818	

DATE MAILED: 10/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/938,410	HA, CHANG WAN	
	Examiner	Art Unit	
	Hoai V. Ho	2818	

-- *Th MAILING DATE of this communication appears on the cover sheet with the corresponding address --*
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This office action is responsive to communication(s) filed on September 23, 2003.
2. Claims 11-27 are presented for examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 11-14, 18, 23, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuo et al. U.S. Patent No. 5995415.

As per claims 11-14, 23, 25 and 26, Figures 1 and 2 of Kuo are directed to an integrated circuit memory comprising: a plurality of memory arrays (sectors) partitioned into first (lower bank) and second (upper bank) memory banks correspondence with one of a plurality of mask options such that the first memory bank includes at least one but less than all of the plurality of memory arrays and the second memory bank includes a corresponding remainder of the plurality of memory arrays (col. 5, lines 1-15 and lines 46-50).

As per claim 18, Kuo, starting at column 2, lines 31-61 disclose wherein the one of a plurality of mask options corresponds to one of a plurality of metal masks used to form a metal layer in the integrated circuit.

5. Claims 11-17, 19 and 21-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Wong U.S. Patent No. 6614685.

As per claims 11-14, 17, 19 and 21, Figures 1-3 of Wong are directed to an integrated circuit memory comprising: a plurality of memory arrays (210_0 to 210_15) partitioned into first (bank 1) and second (bank 2) memory banks (col. 3, lines 1-19) correspondence with one of a plurality of mask options such that the first memory bank includes at least one but less than all of the plurality of memory arrays and the second memory bank includes a corresponding remainder of the plurality of memory arrays (col. 1, line 59 to col. 2, line 6, col. 2, lines 32-35, col. 4, line 58-61 and col. 5, line 55-65).

As per claims 15, 16, and 22-26, Figure 2 of Wong discloses wherein each of the plurality of memory arrays includes a plurality of memory cells arranged along rows and columns, the integrated circuit memory further comprising: column selection circuit (240) coupled to select columns of cells in response to column addresses (ADDR); and row selection circuit (220) coupled to select rows of cells in response to row addresses (ADDR), wherein each of the plurality of mask options configures the row and column selection circuits to obtain a different partitioning of the plurality of memory arrays (col. 2, line 32-35 and col. 4, line 58-61) into the first and second memory banks.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 18, 20 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong U.S. Patent No. 6614685.

Wong discloses all the subject matter except for wherein the one of a plurality of mask options corresponds to one of a plurality of metal masks used to form a metal layer in the integrated circuit. However, Wong, starting at column 4, line 62 to column 5, line 8 and column 11, lines 51-55, discloses how the flash memory layouts and discusses the global lines are commonly relatively thick metal lines formed on a planarized surface with a relatively loose

pitch. Therefore, it would have been obvious to a person of ordinary skill in the art at the time invention was made to recognize that Wong has the one of a plurality of mask options corresponds to one of a plurality of metal masks used to form a metal layer in the integrated circuit as the claimed invention.

8. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure.

9. When responding to the office action, Applicants are advised to provide the examiner with the line numbers and page numbers in the application and/or references cited to assist the examiner to locate the appropriate paragraphs.

10. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) day from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned (see MPEP 710.02 (b)).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to whose telephone number is (703) 308-4839. Other inquiries of this application should be called to (703) 308-0956 or the fax number (703) 872-9306.



H. Ho
October 7, 2003



Hoai V. Ho
Primary Examiner
Art Unit 2818